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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/988,047 | 11/16/2001 | Tetsuro Shida | 0925-0188P | 7943 |
| 2292 | 7590 | 01/26/2007 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | JONES, HEATHER RAE | |
| PO BOX 747 | | | ART UNIT | PAPER NUMBER |
| FALLS CHURCH, VA 22040-0747 | | | 2621 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
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| 3 MONTHS | 01/26/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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mailroom@bskb.com

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/988,047 | SHIDA ET AL. |
| | Examiner | Art Unit |
| | Heather R. Jones | 2621 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 November 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 3,6,9 and 12 is/are allowed.

6) Claim(s) 1,2,7,8,13 and 14 is/are rejected.

7) Claim(s) 4,5,10 and 11 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 November 2001 and 07 November 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____.
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/7/2006. 5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (U.S. Patent 6,934,818) in view of Hamada (U.S. Patent 6,996,332).

Regarding to claim 1, Okada discloses an MPEG data recorder comprising: an interface means for receiving a data packet from a digital transmission line transmitting MPEG data in real time, and extracting a predetermined MPEG data from a received packet to output it as a data signal (col. 1, lines 49-55; col. 3, lines 54-62; col. 13, lines 61-65); a data rate detector means for determining a data rate of MPEG data based on a valid data signal is outputted data period, during which the from the interface means; and a recording mode selector means for selecting a recording mode based on the determined data rate (col. 12, lines 45-67). However, Okada fails to disclose a

motor driver that controls the speed of a recording media based on the selected recording mode.

Referring to the Hamada reference, Hamada discloses an apparatus that detects the data rate, determines a recording mode based on the data rate, and sets the recording speed based on the recording mode selected (col. 3, lines 38-57; col. 9, lines 12-22 – motor driver that controls the speed of a recording media based on the selected recording mode).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a motor driver that controls the speed of a recording media based on the selected recording mode as taught by Hamada in the apparatus disclosed by Okada in order to correctly record the data according to the recording mode selected.

Regarding claim 2, Okada in view of Hamada discloses all the limitations as previously discussed with respect to claim 1 including that the interface means outputs a transmission control signal when the interface means outputs a data signal; and the data rate detector means determines a percentage occupied by the valid data period, by detecting the transmission control signal (col. 12, lines 45-59).

Regarding claim 7, Okada in view of Hamada discloses all the limitations as previously discussed with respect to claim 1 including that the interface is an IEEE 1394 interface unit, which performs an isochronous communication through

an IEEE 1394 link, and extracts MPEG data of a predetermined channel from the received packet (col. 1, lines 49-55; col. 3, lines 54-62; col. 13, lines 61-65).

Regarding claim 8, grounds for rejecting claim 7 apply for claim 8 in its entirety.

Regarding claims 13 and 14, these are method claims corresponding to the apparatus claims 1 and 2. Therefore, claims 13 and 14 are analyzed and rejected as previously discussed with respect to claims 1 and 2.

Allowable Subject Matter

4. Claims 4, 5, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest an MPEG data recorder comprising:
 - a. A data rate detector that adds up valid data periods in a predetermined period for detection including two or more valid data periods, and detects the data rate of MPEG data based on the added-up value (claims 4 and 5).
 - b. A data rate detector that adds up valid data periods in a predetermined period for detection including two or more isochronous cycles, and detects the data rate of MPEG data based on the added-up value (claims 10 and 11).
6. Claims 3, 6, 9, and 12 are allowed.

7. The following is an examiner's statement of reasons for allowance: Prior art fails to teach or fairly suggest an MPEG data recorder comprising:

- a. An interface that outputs a data signal as an MPEG packet having a predetermined amount of data, and outputs a synchronizing signal in synchronization with the MPEG packet; and a data rate detector that counts the synchronizing signals outputted in a predetermined duration (claim 3).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
January 22, 2007

THAO C. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600